

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 20 11

## CALL TO ORDER:

1. The council meeting was called to order Monday, September 12, 2011 at 7:10 p.m. by President of Council Jon Snyder.

## OPENING PRAYER:

2. The opening prayer was delivered by Rev. Hal Oswald, St. Jacob Community Church, Cairo.

## PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

## ROLL CALL:

4. The following members of Council responded to roll call: Cerreta, DeOrio, Foltz, Kiesling, Peters, Snyder.

Mr. Snyder: May I have a motion to excuse Member Davies?

Mr. DeOrio moved and Mr. Cerreta seconded to excuse the absence of Council Member Davies.

All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, City Engineer Benekos, Steinhebel and Clerk of Council Kalpac.

## CONSIDERATION:

5. None.

## COMMITTEE MINUTES:

6. Mr. Snyder: May I have a motion and a second to **approve, as presented**, the following Committee reports: Finance & Property; Ordinance, Rules & Claims; Water, Sewer & Rubbish, all held the 6<sup>th</sup> of September 2011.

Mr. DeOrio moved and Mrs. Kiesling seconded to **approve, as presented**, the following Committee reports: Finance & Property; Ordinance, Rules & Claims; Water, Sewer & Rubbish, all held September 6, 2011. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, DeOrio.

No: 0

**Finance & Property Committee** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 6, 2011.

**Ordinance, Rules & Claims Committee** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 6, 2011.

**Water, Sewer & Rubbish Committee** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 6, 2011.

## RECOGNITION OF VISITORS:

7. Mr. Snyder: At this time, the Council will recognize anyone wishing to speak. Please step forward and state your name and address for the record.

Mr. Lane: Doug Lane, 509 Summit, representing the North Canton Chamber tonight. Without Public Speaks being next week, I wanted to get in ahead of time and remind not only the council but also the audience that September 20, is the next Master Plan meeting. It'll be at the Barrette Center at Walsh. Many of you folks were there last in July, and what's going to be happening is not only an overview of what's happened to date, but also the working groups are going to be considering the future of the downtown area; some options for future development and also the connector system so it's designed to take the input from the July meeting and some of what came from the Main Street Festival, some of the input that they got at that booth and the focus on a clear direction to develop an achievable list of ideas to pursue for the November wrap-up, which will then become the Master Plan. So we encourage everybody to come. It won't be necessarily an in-put gathering session more than it will be taking the input and then coming up

RECORD OF PROCEEDINGS

0063

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 11

with an achievable plan, which will be formulated in November. So we do want to thank the Mayor. We want to thank the Administrator, Eric Bowles the Economic Development Director and Council for your support so if anybody has any questions, I'd be happy to. Otherwise it will be, Bill, 6:30, right?

Mr. Strohmenger: 6:30.

Mr. Lane: Mr. Strohmenger is here, our Chairman. 6:30 at the Barrette Center at Walsh on Tuesday after tomorrow. So thank you.

Mayor Held: I'm sorry, Doug, can you clarify the date again and time?

Mr. Lane: The 20<sup>th</sup> at Walsh in the Barrette Center at 6:30.

Mayor Held: Thank you.

Mr. Lane: Thank you.

Mr. Snyder: Thank you, Mr. Lane. Anyone else wishing to speak?

Mr. Ellsworth: Evening. My name is Scott Ellsworth from Floyd Browne Group, and I'm here in relation to Ordinance No. 84-11, first reading for the Stark State waterline extension. I just want to draw your attention when the time comes of the additional what we call a dead-leg waterline that will go from the service entrance to the Stark State facility down to the property line where it will be completely plugged. So when the time comes, I would be happy to answer any questions.

Mr. Snyder: Yes, sir. I think when we get that Ordinance, if we'll actually ask the Council, or the Chairman, if we could suspend the rules allowing you to speak to any questions the Committee may have on that. We appreciate your indulgence until we get there and then at that point, and we also appreciate you coming to join with us this evening. Thank you.

Mr. Ellsworth: That's fine. Well, thank you very much.

Mr. Snyder: You're welcome. Mr. Osborne.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. The purchase of Arrowhead Golf Course in 2003 for \$4.2 million and the subsequent eight years of ownership of the property continue to be a fiscal disaster for the City of North Canton. North Canton city officials do not want the public to know the current status of the property and have taken extraordinary measures to cover up the current fiscal crisis with the Arrowhead property now known as The Fairways. Three weeks ago before the close of a Council of the Whole meeting on August 22, Law Director Hans Nilges asked that Council members review a memo he had sent privately to Council members. I have inquired for several weeks as to the contents of the memo only to be told that the Law Director has stated the communications is protected by attorney-client privilege. Since becoming the City's Law Director, Mr. Nilges has used this claim of privilege rather frequently to block access to public records requests. The memo was clearly designed to circumvent Ohio's open-records laws. I have not seen the memo but after an eleven-day wait for the City to comply with my recent records request and a confirmation from sources, I have learned substantially that the contents learned substantively the contents of the memo. North Canton is ending the current lease of The Fairways with R&S Golf Properties, Incorporated, the operators and current lessee of the former Arrowhead Golf Course. In a July 13, 2011, letter from the City to R&S Golf Properties Incorporated, Law Director Nilges states "pursuant to Article 12 Section 12.1.1 of the lease, the City is exercising its right to terminate the lease effective December 31, 2011." Revelations in a June 3, 2011, letter from the City to the Lessee indicate that property taxes for The Fairways have not been completed paid by the Lessee as required for the three-year term of the lease and that there are concerns as to whether the required \$80,000 per year capital improvement obligation of the Lessee has been met during the lease. A record search has also uncovered an appraisal of the golf course dated August 26, 2011. The appraisal of the commercial property of this scope is not done overnight. So I can only presume that along with the termination of the lease in mid-July, someone ordered an immediate appraisal of The Fairways that cost tax payers \$3,800. The 2011 appraisal of The Fairways concludes that the property is valued at \$1.9 million. This is less than half the original price. Yes, the down economy has had an impact on this current valuation, but it does not explain the entire 55% loss in valuation. The \$2.3 loss off the purchase price for Arrowhead can only be attributed to gross overpayment for the golf course. Eight years ago after Council voted to proceed with the purchase I undertook efforts to allow the citizens of North Canton to vote on the expenditure of their tax dollars for the purchase of Arrowhead. I was halfway to getting the signatures for a referendum when the editorial board of the *Repository* decided to undermine the constitutionally protected right to referendum a legislative action by running an editorial urging residents not to sign the petition. Do you think the editorial board at the *Repository* would like to share in the financial burden that they urged on the citizens of North Canton when they intervened to urge citizens not to sign the referendum? Not likely. Over the last few weeks there have been rumors that a prospective buyer was in the wings to purchase the golf course. At last

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 20 11

week's Council of the Whole, Council member Mark Cerreta stated that the golf course was not being sold. If that is the case, why was there a rush to order an appraisal of the golf course property? The financial impact of the golf course on North Canton finances cannot be unloaded with a quick sale as the City has made a poor decision regarding the golf course property. In recent months City Council, for a fee of \$14,417, chose to convert a \$700,000 short-term note on the property to long-term debt obligating the City to pay bond interest of nearly \$200,000, whether the property is sold or not. Page 10 of the preliminary official statement, POS as they call it in the trade, for the bond dated March 2, 2011, states "The series 2011 B bonds are not subject to optional redemption prior to their stated maturity December of 2020." What is truly sad regarding the bond financing is the fact that there were funds available to pay off the Arrowhead notes in the CIC escrow fund that could have been used, and if there is a quick sale it would have saved the City \$200,000, right now. If the City is anxious to unload the golf course, why did this Council issue long-term bonds on this property? I would like to know in total how much City money has been spent on Arrowhead. I have made requests to City officials for a list of expenses incurred while owning the golf course, but apparently no one knows or even seems to care. I would not be surprised to learn that over and above the \$2.3 million devaluation of Arrowhead, the City has incurred an additional \$1 million in expenses over the eight years it has owned the property for payments such as debt service not covered by the lease, revenue, annual note issuance fees, appraisal and environmental fees, a 2005 storm study, and the list goes on and on and on. We might add the sprinkler system and the roof, and who knows what else. In my hands I hold a copy of the *PGA Magazine* provided to me in 2003, by a highly respected and long-time owner and operator of golf courses in Ohio and Florida. It contains part one of a two-part report entitled *Wake-Up Call*. The 12-page report details the problems facing the world of golf and course owners. Golf play was on the decline and the report details that fact. One paragraph from the report states "core and avid golfers playing fewer rounds translates to a loss of revenue across the board. Green fees, lessons and caddy fees, golf car revenue, ball, equipment and merchandise sales, food and beverage, hotel rooms at golf destinations, etc. The estimated annual loss to the golf industry is about \$2.77 billion per year. Yes, billion." I read excerpts of this 12-page report into the record eight years ago to no avail as a Council member and I voted against this purchase. What has been particularly disappointing is to hear City officials continuing to defend the Arrowhead purchase. The chickens have come home to roost and you are not getting your wake-up call. It is sad that your decisions have come at such great expense to the tax payers of North Canton. Thank you.

Mr. Snyder: Let me clear up a couple matters so that it is in the record as a proper statement. Number, sit down, Mr. Osborne, this is not back and forth. Sit down, sir. You've spoke, sit down, please. Sit down, please.

Mr. Osborne: It's rather convenient.

Mr. DeOrio: If he can't listen, we'll just have to remove him from the meeting.

Mr. Snyder: Sit down, please.

Mr. Osborne: It won't be the first time.

Mr. DeOrio: That's a sad statement on your behalf.

Mr. Snyder: Easy. Relative to the note, we were forced to get a bond simply for the fact the State Auditors would no longer allow us to create what their term was "smoke and mirrors." We had to clear that up. So number one, that was the reason for the bond. Number two, when we purchased the golf course in 2002, it was appraised at \$4.1 million. We paid exactly what the price of the property was worth. Relative to the appraisal that Mr. Osborne refers to, he did not take the time to find out what it says in the intended use of this appraisal. The intended use of this appraisal of this real-estate appraisal report is for the County valuation purposes. The intended user of the appraisal, the intended user of the appraisal report is the client the City of North Canton and the Stark County Appraisal Department. There is not in dispute the fact that the present operators of the golf course are not doing the same as they would like to do. The taxes went up over \$16,000 in one year. They've sought the City for relief. Unfortunately, we cannot relieve the taxes. The taxes are sent to us. It's a pass-through, we pay the taxes, they pay us monthly. In order to help them in some way, we cannot lower the cost of the rent. We are looking at ways to possibly have the taxes lowered. They will bear the burden of the cost of the appraisal. It does not cost the City anything. If he would have taken the time to read it or simply ask somebody instead of sending a request that was very ambiguous that cost the Clerk, the Finance Director and the Director of Administration some 14 hours to assemble the information that he requested, we may not have had that problem. All he would have had to do was to ask for it and it would have been given to him. This has been in the works since last November when the Law Director and then acting Director of Administration Benekos and myself met with the operators of the golf course. And as far as the letter that the Law Director sent them in relationship to the termination of their lease, we are protecting the interest of the City. It has an automatic renewal of three years. We are still in negotiation. The Law Director and the Director of Administration meet at least weekly with that. The lease requires that the City Administrator and Law Director negotiate the lease. The letter that Mr. Nilges sent to the Council

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m.

11

members under attorney-client contains sensitive financial information relative to a private operation. State law permits that to be withheld from the general public. That is a private entity. That is not, that business does not belong to the people of North Canton. The property does. They are current on their lease. There is arrearage on the tax, but that will be addressed. Mr. Nilges, if you'll hold out, they did offer to bring the taxes current, but they also wanted a reduction in the lease and we're not ready to do that. It is under negotiation. So consequently, before people proffer this to the public and destroy those men's business over there, which they are doing, and destroying their credibility, they should just simply come and ask. And it's right in the appraisal. There is no appraisal to sell the property. And as far as its value, I'm sure your house is not worth what you put into it. And we're applying just like you did, Mr. Osborne, for a tax exemption. We're asking to have our taxes lowered because the property is not worth, the County has it appraised at \$2.6 million. The property is not worth \$2.6 million. In order to have it lowered we needed a current appraisal. That's State law, which we sought. Simply that. There was no nefariousness, there was no backroom negotiation or selling it to this one. We have sent one letter to the Veteran's Administration reserving our place should that ever come about. That was simply, that was as close as it ever got. The Mayor had hoped to put Diebold there, but unfortunately it really is kind of like a wing and a prayer. Am I not right, Mayor? It was...

Mayor Held: Yea. If I can just clarify a few points, Jon. The...now where do we stand with the golf course? Obviously the City owns the 105 acres, which is right in the middle or close to the middle of our City. It's a beautiful piece of property. Anyone that's been through there loves it. Anyone that lives in that area, it's just a wonderful place to have right in the City. Oftentimes people have compared our Fairways golf club to New York City's Central Park, and in a sense that is somewhat a similarity here in North Canton. The value of the property has gone down. I mean, that's pretty clear just as many properties have devalued, particularly when you look at a golf course because the number of golfers has, as Chuck Osborne had mentioned, its going down. That industry is declining. Where does the City stand from my perspective and also a number of discussions I've had with Council members most recently and then over the years is that if there was an opportunity like a Diebold, if they were going to take up a small section of the land in the center of the golf course, originally it was 20-30 acres and then through various discussion that amount has expanded. We would certainly be interested in exploring that when you look at bringing in potentially \$1.3 million of revenue to the City. Some of the other concerns is the number of the traffic flow that you would have in and out, but we also have traffic flow right now with the Fairways country club with residents, or participants in golf going in and out so there's always traffic that's going to be going through there, but obviously what we're looking at is whenever you have a significant monetary return for the City and something that would be amenable to the community, we will always look at it. Anyone that calls us that has a particular idea or a manner that we can generate revenue for the City, we will always look at it, but as Council President Snyder had mentioned, before any decisions are made it all has to go through a process, a process of which Council would review, the public would have an opportunity to review any opportunities and so when you look at Diebold, of course we would, we want to make sure that our name is being considered, and then when we looked at the Veteran's home there was a plan that they needed 11 acres, but you would have to have a political subdivision that would donate the land in order to bring 200 jobs and establish a Veteran's home. When we look at our resource, which is 105 acres in the City, we propose that. Does that mean that it's going to happen? There is a lengthy process that the Federal government has to go through because they donate like \$17 million for the project. The State would have to come up with another \$16 million, but of course we would want to be considered for that. But as it stands, we receive revenue from leasing out the golf course. We feel that that's a win for the City because we do not have to cut the grass. We do not have to maintain the fairways, and as far as the building, the original intent was to make sure that we had a triple-net lease, which means the Lessee or the person that's leasing the property would pay for the upkeep, the maintenance and then also make some capital improvements to it. The challenge is, because the golf industry is declining, is that the gentlemen that are leasing the property, they are not generating the type of revenue that they had anticipated, but it's beneficial for the city within the parameters that we can work with them. We want to keep them in there if we can as long as they are meeting the agreement that we have. If they are

falling behind we want to work with them, but that's where the Law Director and the City Administrator, they're to manage that contract to make sure that we're doing, that they're doing what they're supposed to do. So again, just to clarify this, and I know that the Council members feel the same way about this; there are no plans to sell the golf course. We're not negotiating the sale of the golf course. We have proposed to Diebold, and this was a number of months back, that if they were interested in bringing 1500 jobs to the City and bringing in nearly \$1.3 million in income tax revenue, we would certainly be willing to talk with them about that, and the same thing with the Veteran's home. But again, that would be something that would have to be amenable to the surrounding community and certainly to have a park-like atmosphere, but again, I don't even want to really move into that because there is, we have no proposal to even discuss. So I hope that clarifies a few things.

Mr. Snyder: Also, I think it's important, and the Council will bear this out; the primary driving force behind the purchase of the property was to protect the environments of that neighborhood. And it says in the original appraisal in 2002, the highest and best use of the property at that time was

Held Monday, September 12 7:00 p.m. 20 11

housing. The second bidder in line for the property was going to develop housing on that property. That would create additional problems. The infrastructure we would have to place in it, the water runoff and so forth, it would have created a lot of problems, and that was one of the compelling

reasons we looked at purchasing the property; to protect that neighborhood. It sits right in the middle of one of the better residential areas in the City and we were trying to protect that area, as well as the streets. Even with the possibility of a Diebold coming with 2000 employees a day would disrupt that whole neighborhood. So you know, some of the ideas that you hear are crazy. But the Mayor and the Law Director and the Director of Administration will bear out there isn't a week goes by somebody doesn't enquire about purchasing it. But most people would like to steal it, but we're not up against it. They are current on their rent. They are behind but we do have sufficient securities invested that if they don't pay, we can tap into it and make them whole. It's not, at this particular point, there is no jeopardy in the lease and we felt that it's in our best interest to continue to negotiate with them, but to also put them on notice if we had to make a move we could do it. Any members of Council?

Mr. Osborne: Mr. Snyder, you pitched that property to the Canton Christian Home two years ago so what do you want? Do you want (inaudible)?

Mr. Snyder: Mr. Osborne, you had your say. Thank you, sir, that's it.

Mr. Osborne: (Inaudible).

Mr. Snyder: Mr. Osborne, you are out of order. We do not allow people to shout from the audience. You're disrupting a public meeting, sir.

Mr. Osborne: I'll be back in the pulpit.

Mr. Snyder: Any member of Council wishing to speak? If not, we'll continue public speaks. Anybody in the audience wishing to speak to the Council? Sir, step forward and state your name and address for the record.

Mr. Kellicker: Good evening. Jon Kellicker, 218 Harmon Street SW. I was here two weeks ago at the meeting so basically I'm following up with you, Mr. Snyder, you said you were going to check into the issue of the Main Street Grille, the speakers on the back of their building cause the way I read it, Codified Ordinance 531.01, they're breaking the law with. Physical speakers themselves should not be there.

Mr. Snyder: Yea, I spoke to. I didn't speak to, I think his name is Larry. I have his name, his last name, the owner. I did speak to the man who manages it, and you are right, sir. They have those speakers out there and I have not gone over there and personally witnessed the noise, but I apologize, I didn't get with that Larry, but I will follow up on that for you because...

Mr. Kellicker: Okay. Cause two Saturdays ago I came home from my son's football game and the music was so loud the music was distorted.

Mr. Snyder: Well you know, I think another problem at night it's very quiet there. There's no...

Mr. Kellicker: This was at noon.

Mr. Snyder: No kidding?

Mr. Kellicker: Yes.

Mr. Snyder: I was going to say at night it probably even accelerates because there's no traffic, but I will follow up on that. And if would be kind enough to give the Clerk your phone number there, I'll follow up and within the next few days you'll hear from me. I'll give you a concrete answer. I appreciate your patience. Thank you.

Mr. Kellicker: Thank you.

Mrs. Kiesling: We talked to the owner several times. EJ and I did several times and he was just not (inaudible).

Mr. Snyder: Well, we have to do a little more forcefulness, I guess.

Mrs. Kiesling: (Inaudible)

Mr. Nilges: We can escalate it. We do have resources.

Mr. Snyder: Yea, we can turn the heat up a little bit, but we'll take care of it.

RECORD OF PROCEEDINGS

0067

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 11

Mr. Kellicker: I mean I enjoy going there myself. It's great food, it's a great neighborhood place, but you know.

Mr. Snyder: I would hope that he doesn't realize how invasive the music is to the neighborhood.

Mr. Kellicker: I mean, with the patio being build there, I mean, this is probably not the only problem my neighborhood is gonna have to deal with.

Mr. Snyder: Well, we don't want that. We'll try to take care of it.

Mr. Kellicker: Thank you.

Mr. Snyder: Thank you for your kindness. Anyone else wishing to speak? Seeing no one, we'll move to old business.

OLD BUSINESS:

- 8. Mr. Snyder: May I have a motion to **read by title only, the third reading** of Ordinance No. 70-11?

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 70-11. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, DeOrio, Foltz.  
No: 0

**Ordinance No. 70-11 – 3<sup>rd</sup> Reading – Community & Economic Development**

An ordinance establishing the zoning classification of P&I, Park and Institutions, as specified by Ordinance No. 50-03, of the Codified Ordinances of the City of North Canton, for the premises known as the Luzio Annexation, containing 5.417 acres of land, more or less, annexed by Ordinance No. 105-10.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, This is the final reading declaring it Park and Institutions at the property just east of the ball fields down on East Maple. I motion we approve.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the third reading** of Ordinance No. 70-11. All members present voting:

Yes: Peters, Snyder, Cerreta, DeOrio, Foltz, Kiesling.  
No: 0

- 9. Mr. Snyder: May I have a motion to **read by title only, second reading** of Ordinance No. 72-11.

Mr. Nilges: Do you want an emergency clause on this?

Mr. Snyder: On the Luzio?

Mr. Nilges: No, on Ordinance No. 70-11.

Mr. Snyder: On eleven? Yes, we want to amend Ordinance No. 72-11 prior to this reading to include an emergency clause.

Mr. DeOrio: I would move that we **amend** Ordinance No. 72-11 to include a clause for passage on emergency.

Mr. DeOrio moved and Mr. Cerreta seconded to **amend** Ordinance No. 72-11 to include a clause for passage on emergency. All members present voting:

Yes: Snyder, Cerreta, DeOrio, Foltz, Kiesling, Peters.  
No: 0

Mr. Snyder: Now may I have a motion to **read by title only, second reading** of Ordinance No. 72-11, as amended.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 72-11, as amended. All members present voting:

Yes: Cerreta, DeOrio, Foltz, Kiesling, Peters, Snyder.  
No: 0

Held Monday, September 12 7:00 p.m. 2011

**Ordinance No. 72-11 – 2<sup>nd</sup> Reading – Community & Economic Development**

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC") concerning the agreements granting exemptions from property taxation to continue six (6) of the existing Community Reinvestment Area ("CRA") agreements and to terminate one (1) of the existing CRA agreements and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, the Committee looked at these current agreements and agreed six of them were following through with their current employee numbers. One we had to terminate because they did not, have not been complying with their amount of employees and that's Viking Glass. I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 72-11, as amended. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

Mr. Snyder: May I have a motion to **suspend the rules** of Council for Ordinance No. 72-11.

Mrs. Kiesling moved and Mr. DeOrio seconded to **suspend the rules** of Council for Ordinance No. 72-11, as amended. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, DeOrio.

No: 0

Mr. Snyder: May I have a motion to **adopt under suspension of the rules** Ordinance No. 72-11, as amended.

Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 72-11, as amended. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, DeOrio, Foltz.

No: 0

10. Mr. Snyder: May I have a motion to **read by title only, second reading** of Ordinance No 74-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 74-11. All members present voting:

Yes: Peters, Snyder, Cerreta, DeOrio, Foltz, Kiesling.

No: 0

Mr. Osborne: Jon, can you advance your screen up here? It's, you're behind.

Mr. Snyder: Yea, okay. There you go.

Mrs. Kalpac: Sorry.

Mr. Osborne: Thank you.

Mr. Snyder: You're welcome.

**Ordinance No. 74-11 – 2<sup>nd</sup> Reading – Personnel & Safety**

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, specifically Section 7.4 SICK LEAVE REGULATIONS, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yea, this was a request from the Finance Director. We're changing the date to bring the payroll in line. And that's all we're doing for this so if there is no questions, I will move to approve the second reading.

Mr. Peters moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No 74-11. All members present voting:

Yes: Snyder, Cerreta, DeOrio, Foltz, Kiesling, Peters.

No: 0

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, September 12 7:00 p.m. 11

11. Mr. Snyder: May I have a motion to **remove from the table** Ordinance No. 78-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **remove from the table** Ordinance No. 78-11. All members present voting:  
 Yes: Cerreta, DeOrio, Foltz, Kiesling, Peters, Snyder.  
 No: 0

Mr. Snyder: Now may I have a motion to **read by title only, first reading** of Ordinance No. 78-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 78-11. All members present voting:  
 Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.  
 No: 0

**Ordinance No. 78-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit applications to the Ohio Public Works Commission for a loan for the Water Tower #1 Exterior Painting Project - 2012 and, for the Mayor to be authorized, through the Board of Control, to enter into an agreement for said loan, at a cost not to exceed \$500,000 and declaring the same to be an emergency.

Mr. Snyder: Chairman DeOrio, there is a gentleman in the audience wishing to address the Council on this matter. Will you consider, sir, suspending the rules?

Mr. DeOrio: I thought it was (inaudible).

Mr. Snyder: Oh, that's another ordinance. I apologize. Excuse me. Next one. Go ahead, Chairman DeOrio.

Mr. DeOrio: Yes, this particular ordinance was a subject to a meeting prior to the regularly scheduled session we're in now and that was probably largely for my benefit to review the need and the necessity, and Water Superintendent Richard Steinhebel was here and reviewed that matter and did a very effective job in illustrating the need and that it's rather imminent and we should also for the record applaud his efforts in the management of the Water Treatment Facility, the whole water department, doing so in a very cost efficient manner that has resulted in significant savings in operational costs. And I should say that I'm not totally convinced as far as the financing goes or whether we should pay cash, but I also strongly believe that, you know, one member of Council should not take advantage of a parliamentary situation where we have one member absent and this is needed to be on an emergency. Time is of the essence for the application so in a situation where I might have voted no had we had a full contingent here, in this instance I am going to support this because I just firmly believe that one member shouldn't stand in the way of the interest because of parliamentary procedures so having said all that, I would move without objection if there is any, on Ordinance No. 78-11, would be adopted.

Mr. DeOrio moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 78-11. All members present voting:  
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, DeOrio.  
 No: 0

Mr. Snyder: May I have a motion to **suspend the rules of Council** for Ordinance No. 78-11.

Mr. DeOrio moved and Mr. Foltz seconded to **suspend the rules of Council** for Ordinance No. 78-11. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, DeOrio, Foltz.  
 No: 0

Mr. Snyder: May I have a motion to **adopt under suspension of the rules** Ordinance No. 78-11.

Mr. DeOrio moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 78-11. All members present voting:  
 Yes: Peters, Snyder, Cerreta, DeOrio, Foltz, Kiesling.  
 No: 0

Mr. Snyder: Member DeOrio, thank you for you open mindedness on this. I appreciate it.

Mr. DeOrio: Thank you.

Held Monday, September 12 7:00 p.m. 20 11

12. Mr. Snyder: May I have a motion to **read by title only, second reading** of Ordinance No. 80-11.  
 Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 80-11. All members present voting:  
 Yes: Snyder, Cerreta, DeOrio, Foltz, Kiesling, Peters.  
 No: 0

**Ordinance No. 80-11 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**

An ordinance increasing the amount allocated for the professional services agreement to update the Water Distribution System Model, at a cost not to exceed \$58,200.

Mr. DeOrio: Yes, Mr. President, on this one and the next one it seems that the title is the same, it's how its read, and Mr. Benekos, is there a difference?

Mr. Benekos: It's a mistake.

Mr. Nilges: One is increasing the amount and the other is to enter into an agreement.

Mr. Snyder: A point of order, sir, I think originally it was \$50,000 there and we increased it by \$8,200.

Mr. DeOrio: Gotcha. Thank you for the refresher.

Mr. Snyder: That's alright.

Mr. DeOrio: This was discussed at the last Committee of the Whole about updating the water distribution system model and it was previously thought that this would be about \$50,000, and we are increasing it to \$58,200, so we move to first of all approve that amount and then authorize the Mayor through the Board of Control to enter into that in the next one so I would move for adoption of Ordinance No. 80-11.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 80-11. All members present voting?  
 Yes: Cerreta, DeOrio, Foltz, Kiesling, Peters, Snyder.  
 No: 0

13. Mr. Snyder: May I have a motion to **read by title only, second reading** of Ordinance No. 81-11.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 81-11. All members present voting:  
 Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.  
 No: 0

**Ordinance No. 81-11 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement to update the Water Distribution System Model, at a cost not to exceed \$58,200.

Mr. DeOrio: Mr. President, I move for adoption of Ordinance No. 81-11.

Mr. DeOrio moved and Mr. Cerreta seconded to **adopt the second reading** of Ordinance No. 81-11. All members present voting:  
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, DeOrio.  
 No: 0

**NEW BUSINESS:**

14. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 83-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 83-11. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, DeOrio, Foltz.  
 No: 0

**Ordinance No. 83-11 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance authorizing the Superintendent of Permits and Inspection to waive or reimburse permit fees for replacement of hot water tanks; air conditioners; furnaces; or electrical work, directly related to flood damage, for the period from July 20, 2011 through and including October 31, 2011, and declaring the same to be an emergency.

RECORD OF PROCEEDINGS

0071

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 12 7:00 p.m. 11

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: It is what it is. It's, we are reimbursing permit fees for all the fees that they have for the Zimber Ditch flooding we had on July 11. So I move that we would pass this first reading under emergency then.

Mr. Cerreta moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 83-11. All members present voting:

Yes: Peters, Snyder, Cerreta, DeOrio, Foltz, Kiesling.

No: 0

Mr. Snyder: May I have a motion and a second to **suspend the rules of Council** for Ordinance No. 83-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules of Council** for Ordinance No. 83-11. All members present voting:

Yes: Snyder, Cerreta, DeOrio, Foltz, Kiesling, Peters.

No: 0

Mr. Snyder: May I have a motion and a second to **adopt under suspension of the rules** Ordinance No. 83-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 83-11. All members present voting:

Yes: Cerreta, DeOrio, Foltz, Kiesling, Peters, Snyder.

No: 0

15. Mr. Snyder: Now may I have a motion and a second to **read by title only, first reading** of Ordinance No. 84-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 84-11. All members present voting:

Yes: Cerreta, DeOrio, Foltz, Kiesling, Peters, Snyder.

No: 0

**Ordinance No. 84-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Shuffel Drive NW (Frank Avenue easterly 300 feet) Waterline Extension, located in Jackson Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension, and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, I ask that we have a motion to allow a representative of the Floyd Brown group who is, has an interest in this particular piece of legislation to be allowed to speak at this time so I will be moving to **wave the Rules of Council**.

Mr. Snyder: Alright, sir, is there a second?

Mr. Peters: Second.

Mr. DeOrio moved and Mr. Peters seconded to **wave the Rules of Council** for Ordinance No. 84-11, to allow a representative of the Floyd Brown group to speak. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

Mr. Snyder: Sir.

Mr. Ellsworth: Alright, thank you very much. The design of the waterline is 300 feet and it's an 8-inch waterline tapped into a 12-inch waterline running north and south on Frank. We would bring the waterline east 300 feet to the service of the Stark State Wind Energy R&D Center. At that point the property actually extends another approximately 690 feet and North Canton regulations state that the waterline needs to be completed to that point in the property line. I think our concern here is that after the 300 feet, there are no customers or further connections to waterlines that we know of to allow circulation of that water past the 300-foot service entrance to the school. In that case, this is what we call a dead leg of about 700 feet or 690 feet or so. Water in that line will lose chlorine residual and could become a problem if it possibly siphons back into the service line to the Stark State College. So in our original design we did not continue to design that 700 feet or 690 feet for that reason. I just wanted to draw your attention to that. I believe Stark State has tendered a letter stating that they would be good for that when

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 20 11

and if connection was required through another customer or additional waterline to allow circulation of that water past that point. So I wanted to let you know that our design went to 300 feet and we are asking, I think, for an amendment to keep from going past that point to the property line.

Mr. DeOrio: Sir, your name for the record again?

Mr. Ellsworth: I'm Scott Ellsworth from Floyd Brown.

Mr. DeOrio: Thank you, sir. And, Mr. Ellsworth, you were contracted by the Stark State then to design this waterline extension?

Mr. Ellsworth: That is correct, yes.

Mr. DeOrio: Okay. And so in that design you did not anticipate having to go an additional 690 feet if in fact Council did not wave that requirement.

Mr. Ellsworth: Right.

Mr. DeOrio: Okay. And has anyone informed you off the result of the Council meeting from a week ago? I assume you being here that you've heard something.

Mr. Ellsworth: Yes, I've heard that the Council is in fact inclined to pursue that additional 690 feet.

Mr. DeOrio: And if that remains to be the case then you will be going back to your client and explaining to them that you need to redesign that additional 690?

Mr. Ellsworth: Right, we would redesign the additional waterline.

Mr. DeOrio: Have you spoken with our Engineer about some of the ideas that he's had regarding that dead-leg issue?

Mr. Ellsworth: Several, yea, yes.

Mr. DeOrio: Because he seemed to have some interesting ideas at the last meeting on how that could be effective, and I think the legislation, you know, and I'm hoping that the dynamic here hasn't changed, because I think as it came out of Committee last week and one of our Chairmen of Committees in here, he was pretty adamant in his views along with myself and some other members of Council that we did not want to grant that exception to this, that we wanted it to go to the end of the property line. You know, there's the opportunity that that could become an attractive development to someone else because the waterline is already in there and so it's kind of a "you build it, we will come." We hear that in many other instances throughout the City where we do that. We don't like the idea of creating a moral hazard of just waving certain regulations, that certain developers would, you know, get preferential treatment in some capacity. We like sticking, you know, to what it says on there. I think there is some merit to that. I would (inaudible) on this at this time. Chairman Foltz?

Mr. Foltz: Yea, I totally agree with Councilman DeOrio's assessment. I don't want to set a precedent. I think we could put a hydrant here if we needed to and blow the hydrant off to keep the water fresh an additional 690 feet. I agree. I think it makes the other parcel even that one that Stark State owns more attractive for development, and the land parcel that's abutting that. That's the whole point of why we wrote this into the regulations to begin with so.

Mr. Snyder: Let me ask a question. The problem seems to arise not in your ability to lay the additional 600 feet. That doesn't seem to be in question. Is it possible that you lay the 600 feet in there and put a cap at the end like you would if you were hooking it on anyway? And then at the other end of the 600 feet, which would hook into your pipe, the school put a cap on that. The line's there, you serve the spirit of the law saying the line is in there and then you don't have a dead line. You're going to have exactly what you want. The only thing is you're putting the line in for future development. The line is there. You would have to pay it anyway, and at today's prices you're better to put it in today than you are twenty years from now. So you lay the line, it's just a line to nowhere, but you have a cap on this end and you have cap on the other end, and then your line is going and then you have, we're covered because we can say to people, here's the line, it's there, all you have to do is hook on to it. And then everybody is happy.

Mr. Foltz: What's Jim say about that?

Mayor Held: I was talking about this with our City Engineer and there are two points of clarification. One is that obviously we'd love to extend waterlines because that helps bring in additional water customers. But one of the concerns about having a lengthy dead end of any kind, particularly one that's over 500 feet, is that the water cannot be stagnant because, or not moving because then of course the chlorine dissipates. So that's why I believe Jim had talked about putting a leak on the

RECORD OF PROCEEDINGS

0073

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 11

end of it, but then one of the concerns is how much water is going to be continuously flowing out the end and then as Council President Snyder had mentioned about putting a cap on the end, but I believe one of the other concerns is that the seals decay if you don't have water flowing through that and so I think it's more of a, I don't have an answer to this, but I think it's more of a maintenance question as far as maintaining the water that's in that line and then also if it's suitable to have an empty line. Jim?

Mr. Benekos: Correct, yea.

Mr. Snyder: Well, there's nothing in the line. What would be the difference? It's buried.

Mr. Benekos: The gaskets between the joints in the pipe; if there's no water in there...

Mr. Snyder: Oh, they don't stay lubricated.

Mr. Benekos: Right. They'll decay, they'll become brittle. So you can fill the line with water and then you put a bleeder on the end, and we've talked about that as an option. It's not, we can work around that, you know, put the dagger in Rich's heart to know that we're going to waste water there at the end of the pipe. It's not a lot of water, but it's something that, you know, you have to go out and maintain so yea you can do it a couple different ways.

Mr. DeOrio: Well, what was the way you were speaking of last week?

Mr. Benekos: What we were talking about was we could put a valve at the end and close the pipeline, but again what that does is that leaves the pipe empty and the gaskets can get ...

Mr. DeOrio: But my understanding last week was it was going to be, if this was extended it would connect to our line. We would have that connection on the front end and we would cap it on the back end. You were talking about some sort of device at the front end.

Mayor Held: Yea, a bleeder.

Mr. Benekos: Right. It would be. We'd run water, we'd have to run water through it. We couldn't let it just stay empty. Right.

Mr. Peters: What's the difference between a bleeder and hydrant?

Mr. Benekos: Well, you could put the bleeder on the hydrant, but you'd want to end it with a hydrant to be able to flush it out.

Mr. Peters: Right.

Mr. Benekos: But the bleeder, you'd put an automatic bleeder on there that every so often it would flush the line out.

Mr. Foltz: So specification wise there's going to be a hydrant at the end of this 700 feet?

Mr. Benekos: Correct.

Mr. Foltz: Then we just need to blow the hydrant.

Mr. Benekos: Right. Either manually...

Mr. Peters: These are changes we should be doing with our water distribution system anyway, correct?

Mr. Benekos: Yea, we'll talk. You try to eliminate dead-end lines, but we'll either flush it manually periodically or we'll have to put a bleeder on there that flushes it automatically periodically.

Mayor Held: Is there? I just have a quick point of clarification. Maybe Rich Steinhebel can clear this up for us. I know that whenever we have dead-end lines or water that's not flowing we've had problems in the past because it doesn't take very long for the chlorine to dissipate out of the water and then when you're having regular testing or if you have any backflow issues, is there, Rich, is there potentially a backflow issue when you have 500 or 600 feet of waterline that's not?

Mr. Steinhebel: It's stagnant water. It's going to lose its chlorine and it's going to grow bacteria. And it will risk part of the system for their part. It's a long dead end. We're eliminating dead ends in the City, getting rid of them because it is a problem for the City. You can put the flow zone. You can put the bleeders on too, but you're talking (inaudible) of water from the end down.

Mayor Held: Right.

Held Monday, September 12

7:00 p.m. 20 11

Mr. Steinhebel: Periodic flushing (inaudible).

Mr. DeOrio: Well, I appreciate all of that and to me it seems to be a maintenance management issue. I think the issue is not as, in my mind, as significant as waving what is required under the code. I think that has a higher priority. I just, we have nothing that's concrete in writing as part of the legal obligation for these folks to do that. In the future, I think the line should be hooked up and we just have to deal with that accordingly. I mean, you know, gaskets freeze up all the time. You know, there's all kinds of maintenance issues for the city and Superintendent Steinhebel knows all those things and it's nothing that's a perfect world but I think you're going down the wrong path to wave that requirement. As the Ordinance is written now, question is to the Law Director, as the Ordinance is written now, I'm concerned about the language where we're just saying that we're going to extend Shuffel Drive easterly 300 feet, and it doesn't, you know, specify what it would mean if we did this under our local Ordinances it would be required to be extended to the end of the property line. I would hate to, if we're going to vote on something we certainly want to make sure that we're voting on the correct thing.

Mr. Nilges: And specifically your concern is that it is ...

Mr. DeOrio: In Section 1, where we're authorizing to extend the Shuffel Drive Northwest waterline on Frank Avenue easterly 300 feet and according to our Ordinances it would really be required to do this 990 feet basically. So I'm not sure that that language is correct.

Mr. Nilges: Yea. That was language that came over, is that correct, 990 feet? Can we get that specific tonight? Or can we just say to extend to the end of the property line?

Mr. Benekos: Say approximately 1000 feet to the end of the property line.

Mr. Nilges: Would you like to amend it to say approximately 1000 feet to the end of the property line?

Mr. Foltz: Yes.

Mrs. Kiesling: I have a question. When did we enact the Ordinance that they have to follow the end of the property line for the waterline? How long ago did we do that?

Mr. Benekos: That's been in there for quite awhile.

Mrs. Kiesling: I don't remember doing it in the ten years I've been here.

Mr. Benekos: Yea. I think it's always, pretty much always been there.

Mr. Snyder: I think, yea, it was sometime in probably the 90s.

Mrs. Kiesling: Alright. I guess my point is we now have a brand-new, fairly brand-new system at least the treatment plant, a lot of new lines out there and we've learned a lot over the however many years we wrote this Ordinance. We have Rich who deals with it on a daily basis telling us this is really not a good idea. We have Jim telling us it's not a really good idea. We have an engineer who is obviously working for, you know, the other company saying it's probably not a good idea. I'm a nurse. I'm going to go with the engineers. I really don't, I'm not, I understand following our laws, but sometimes the laws are meant to be, they need to be changed over periods of time. 690 feet of dead space seems (inaudible). Why would you lay it there and let it sit there and waste away and potentially, you know, yes we could build something in a year, but it could be twenty years and then they would be putting in a drain and waterline twenty years from now. I know Stark State has the money, but I think we're all trying to collaborate and get along and I don't know if Stark State really has the money. I think that's just not (inaudible).

Mr. Snyder: What's the feasibility of obtaining some type of instrument and maybe a bond that you would post just to guarantee that it'll get done if it ever has to happen?

Mr. Foltz: You had mentioned, Scott, that they would pick up the tab, right?

Mr. Ellsworth: Right.

Mrs. Kiesling: I think the problem with that where I know other people are thinking is yea, we have a letter, yea, we have the Ordinance, but we're all wrong and in ten years they go to build and unless somebody actually specifically picks out that Ordinance, we're not going to remember that they agreed to pay for the waterlines.

RECORD OF PROCEEDINGS

0075

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 11

Mayor Held: Right.

Mr. Snyder: There's a file on every waterline.

Mrs. Kiesling: I know, I know.

Mr. Snyder: It hooks right to that file.

Mrs. Kiesling: We've got to find a way that we can, if we do come to an agreement, in ten years or wherever we all remember that that agreement exists.

Mayor Held: That's a good point.

Mr. DeOrio: You know, the letter is not going to legally bind us and I sincerely doubt that we would sign a legally-binding document to the cost of a project ten years down the road that's unclear. Why would you, why would you sign yourself onto a project that ten years from now will cost double the amount that it costs today? That's not sound fiscal management.

Mrs. Kiesling: I don't disagree with you.

Mr. DeOrio: Now as far as the parties that are involved, you know, to some I think we have to draw a little bit of distinction. You know, the Floyd Brown Group is contracted to Stark State. They represent their interest in what they what to get done.

Mrs. Kiesling: I agree.

Mr. DeOrio: And they would like to do this spending as least amount as possible. I don't care if they're a college. I don't care if they're a business. Nobody wants to spend more than they absolutely have to. That's what the bottom line here is. It's about money. It's not about a line, as far as they're concerned, that might lay dormant, that have somebody here that's gonna explain why that's probably not a good idea, but that is certainly representing the interests of the applicant here.

Mrs. Kiesling: But in our interest, why are we going to waste water flushing it continuously? I just...

Mr. DeOrio: Why do we want to put a line on, a strap on? Why would we go through all this over the years that we need to get (inaudible), but just put a waterline down there and whatnot and we can get business to locate there. I mean, that's the whole point. I mean, why not just let a developer put a line in for the houses that he knows he's sold and not all the houses that are there? I mean, we have these rules for a reason. They've worked fine before. I think everybody is just, you know, I don't know what the special treatment that, you know, they have to have, in my view I just can't support it so I, you know, at least when we left it, Member Davies was the same and Member Foltz was the same. So I mean, this is, you know, if this comes to a vote it's gonna be not passed on an emergency, which is fine, but it looks like it will be narrowly decided so whether or not you want to amend this or not, we probably should just have that discussion now and if there's four of you that want to do it as is then we don't need to amend it. We can just take it out.

Mr. Snyder: What's the actual cost of the pipe for the extra 600?

Mr. Ellsworth: It's (inaudible) pipe so it's fairly expensive, yes.

Mr. Snyder: What if you paid that in advance? And we took...

Mr. Ellsworth: Well, I think Jim's group had talked about an escrow and we could certainly go back to Stark State with that. You would have the money in hand at that point, but...

Mr. DeOrio: I like that.

Mr. Foltz: That's good. Jim, how much maintenance does it take for us to flush the lines? How often do we have to be out there doing that to prevent what Rich is saying? Rich, what?

Mr. Benekos: Rich, how often do you think we'd need to be out there?

Mr. Foltz: How much work are the city people gonna have to do to prevent that from happening?

Mr. Steinhebel: Because of the college, the way it is with its schooling times, we have issues over there at times. We have to get certain buildings like Kent to flush great amounts of water on the weekend because then with nobody in the building that water sat stagnant inside there.

Held Monday, September 12 7:00 p.m. 20 11

Mr. Foltz: Okay.

Mr. Steinhebel: You're adding to the problem with that. Flushing just (inaudible) because there's two bleeders over there, is about 40,000 gallons a day alone there.

Mr. Foltz: Yea. Is that what that hose is? Is that what that is?

Mr. Steinhebel: That's because we have a two-block area that just is a bad area and needs to be replaced.

Mr. Foltz: Okay.

Mr. Steinhebel: When you get into those you start going on. You see, Canton's got automatic blow-offs down on Cleveland Avenue down there, Okay. Come wintertime you can't do that because you're gonna have ice all over. So then during the winter you're gonna have to figure out how you're gonna flush them. They've had complaints. People say they are blowing at night and they can't sleep, Okay, so they switch them during the day and they have people complaining they're flooding their yards. And so ideally it is not to create any dead ends that are going to cause you problems (inaudible) because they don't have constant traffic using their water (inaudible).

Mr. Snyder: How soon do you need this answer on this line?

Mr. Ellsworth: Well, as soon as possible, but I think they can...

Mr. Snyder: What I'm asking, the reason I'm asking, maybe you should go back to Stark State and see if they'll just pay for it in advance and then we'd escrow that money and then Mr. Davies will be back on Monday. I'm saying if it's imperative, I don't know the logistics of your time, we could have a little five-minute meeting if you need it that quickly or we could put it in two weeks and consider it an emergency and if two weeks will allow you the time to do it.

Mr. Ellsworth: That sounds fine with me.

Mr. Snyder: I think that's fair. That way we have our money, everybody's in a comfort zone and then you can make the little short line and then also just understand that the money you put in escrow has to bear the cost of digging it up and hooking back on.

Mr. Ellsworth: Right. Exactly.

Mr. Snyder: We're not going to bear that cost. In twenty years that may be horrendous. So we want to figure all that out and then you escrow that money and we can maybe at that point if everybody is in a comfort zone. What do you think, Mr. Foltz?

Mr. Foltz: I think you're trying to compromise and I'm not willing to in this instance. I think the rules are there for a reason. I think there's going to be future development there eventually whether it's with Stark State or the Highway Patrol building or who knows? Ten years ago Shuffel interchange wasn't even here and we talked about wanting to be aggressive and trying to annex it into the city, at least that's my memory. Now we're selling water and I think if you're going to sell them water out of our water system we need to protect our interests there for future development cause obviously they're not in the City so we don't, we don't coupe any general income tax receipts with that. All we can do is sell water to help lower our resident's rates basically so.

Mayor Held: Can I just bring up one point of clarification? Since the first meeting that we had and since the second meeting, I do have to admit that when Administrator Grimes and Engineer Benekos brought it to my attention about whether or not Stark State is to pay for the waterline, I told them absolutely they're going to pay for the waterline and they're going to (inaudible), and just as we proceeded in that meeting. Since that time, I did have a conversation with Mr. Benekos about the dead end, which of course I just wasn't thinking at the time. We've had a lot of problems historically with water testing with stagnant water. We've tried to eliminate all the dead ends. And I have to apologize to Council for not bringing this up, that we didn't bring this up originally because in my mind I'm thinking, lay the waterlines, keep it empty and then when we need it let the water flow through, but it appears that that could be problematic due to the seals. So what I would ask Council, if Stark State would be willing to, as you discussed, if you folks would consider entering into a contractual agreement with Stark State where they pay for the waterline up front and keep it in escrow, and the simple reason that I'm asking you to consider this is that, and again I'm sorry that we didn't bring this up earlier, is that I know, Rich Steinhebel, it does become a management problem. Stagnant water becomes a management problem because of the constant bleeding

RECORD OF PROCEEDINGS

0077

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 11

and the, you know I think the chlorine. Rich, if you have a bucket of water, how long does it take before the chlorine dissipates?

Mr. Steinhebel: If you take a pitcher of water and stick it in your refrigerator, in eight hours it's gone.

Mayor Held: There's no chlorine?

Mr. Steinhebel: There's no chlorine.

Mayor Held: There's no chlorine? So then what happens in the absence of chlorine?

Mr. Steinhebel: Absence of chlorine, then you're going to get your, biological stuff is going to start growing on the thing so it just depends on, not in the refrigerator, but in the (inaudible). You gotta flush the line. We (inaudible) put a \$12,000, two-inch line just to make it move because we have so many problems over there compared to what we could do. We have since removed that. We have problems in the (inaudible) area and took waterlines there that we could barely get the minimum of 0.2 mg/meter of chlorine and now we get 0.8 to 0.9. It jumped from 47 PSI to 78 PSI. Making the connections it also puts the pressure (inaudible).

Mayor Held: So again, again I'm sorry that this point wasn't brought up at the last meeting because it should have been on our behalf from the Administration standpoint, but the real concern is just the maintenance of it. You know, we have other facilities where they're not, if the toilets aren't being run and the water is not being flushed and you have stagnant water, as Rich had mentioned, particularly in certain buildings at Stark State, but what our fellas do is they'll go out and they test the water so they pick spots throughout the water distribution system and the ones that are close to our water treatment plant, we never have any problems. The ones that sit on the furthest end where there is greater distance for the water to travel then naturally the chlorine levels tend to be lower. Correct?

Mr. Steinhebel: We do not own that system up there. They own that system. That's their pipe. That's their system. We supply. They factor in this. It's not owned by the City, it's owned by Stark State and Kent.

Mayor Held: So then you're saying that that presents a problem as far as managing the testing of the water?

Mr. Steinhebel: They do the flushing over there. They maintain it. We help them out. We make sure that, we have to make sure to they keep quality up to it. They are responsible for all of that system. We supply the water (inaudible).

Mr. Foltz: So it costs us nothing then to maintain it then.

Mr. Benekos: He's talking about the campus. This is out on Shuffel Road so it's two different issues here.

Mr. DeOrio: We bleed out there now. I mean, it's not like that's a new issue; bleeding lines goes on everywhere. I'm sure every system in the country does the same thing periodically, but for a short period of time, for some period of time you would have a dead end that would have to be maintained.

Mr. Benekos: I have a question for Scott. Has anybody approached the State Police barracks to see if they are interested in hooking onto the waterline?

Mr. Ellsworth: I don't believe so in water. We know, of course the wastewater end is there, but no, no one has approached them at all, that I am aware of at least.

Mr. Benekos: Okay.

Mr. DeOrio: Well, that's why we should have a water czar. This is the whole point. Somebody has to drive the business model and, you know, Mr. Steinhebel only has two hands. I mean, there's only so much the guy can do and we're asking him to do more and more, and, you know, I just don't expect him nor would I want him, I'm sure he's quite capable, but I don't want him out there hawking water. We should have somebody that does that.

Mayor Held: I agree with you.

Mr. DeOrio: And, you know, that was something that I had talked about a few years back and that would be a great addition to the City having somebody, that might be part of their duties or all of their duties, but to do that very thing. They should go talk to those people.

Held Monday, September 12 7:00 p.m. 2011

Mr. Foltz: Does Eric need another job? (Laughter) Put it on Eric, he's not here.

Mayor Held: But you know really, that is a very good point. The tough part is this, is that when we look at it from a policy end we're always interested in extending our waterlines and oftentimes, which I've done in the past, I will make a decision from a policy perspective that really conflicts from an operational standpoint, and I think that's one of the challenges we have right now. From a policy perspective, of course we want to lay as much waterline as we can, particularly when Stark State is paying for it. That's to the City's benefit, but then at the same time there is unintended consequences of having the water remain stagnant in a 600-foot line that we do not own nor control, and again, whenever we have a drop in chlorine and we have a water treatment plant operator go out and test that it's not a very pleasant experience when you see the chlorine levels are below where they need to be so that's where, if Council would consider maybe some sort of compromise in this situation where we could, if Stark State is willing to front the money and put it in escrow.

Mr. DeOrio: I think, Mayor, in that instance there is, time to change the tape there. To the Mayor's point, I think, and somebody had mentioned it over here, to be able to escrow it and you know that would be a compromise and that it's getting the monies up front to put in escrow to put in a line. There's still some risk to the City that if the line is developed ten years from now and the costs are higher the City is going to bear that additional cost because they put in their portion of it. I kind of think the development is gonna come much sooner rather than later, things that I hear, so to me, I don't see as much risk in that end of it and I would like to hear from Stark State if they would consider that.

Mayor Held: Okay. Thank you. That would be nice.

Mr. DeOrio: (Inaudible)

Mayor Held: We can make sure and contact the interim president because he did put a call into us and I didn't speak directly to him, but we exchanged messages and they certainly expressed their willingness to work with us, but there were concerns of the managing the water and making sure that they pass their tests and so forth, which of course Rich has the responsibility whether it's on their private property and their private lines, it's still our water that we're distributing and so that's where we're trying to find a way that we can manage it.

Mr. Snyder: What's the Patrol using now for water?

Mr. Benekos: They're using wells.

Mr. Foltz: They have a well?

Mr. Snyder: Maybe they're interested. We ought to call them up.

Mr. Benekos: We'll approach them this week.

Mr. Foltz: I'd like to see everybody with a well eventually on City water. That's going to be a reality.

Mayor Held: We agree with that too.

Mr. Snyder: Yea, I mean at this point it's the same entity. It's the same state. They may want to just not waste their money and just...

Mr. Foltz: Maybe not next year but it'll happen.

Mr. Snyder: Maybe they'll hook on.

Mrs. Kiesling: So are we going to table this?

Mr. Snyder: Let's table this, yes. Well, we can table it.

Mr. Foltz: Do you want to, yea, let's just table it.

Mr. Snyder: Yes, we'll let Chairman Davies pipe in on it next week.

Mr. Osborne: Mr. Snyder, can I speak to this issue from a citizen's point of view?

Mr. DeOrio moved and Mrs. Kiesling second to table Ordinance No. 84-11. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, DeOrio.

No: 0

RECORD OF PROCEEDINGS

0079

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 1

Mr. Foltz: Thanks, Scott.

- 16. Mr. Snyder: Thank you, sir. May I have a motion to read by title only, first reading of Ordinance No. 85-11.

Mrs. Kiesling moved and Mr. DeOrio seconded to read by title only, first reading of Ordinance No. 85-11. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, DeOrio, Foltz.  
 No: 0

**Ordinance No. 85-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance amending Appendix "A" of Ordinance No. 12-11, Appropriation Ordinance of the City of North Canton, to include the purchase of three (3) Henderson RSP-OC snow plows for use by the Service Department, in an amount not to exceed \$24,000, and declaring the same to be an emergency.

Mr. Snyder: We originally had appropriated, I believe, around \$45,000 for a lift to use at the service center and it's been determined at this present time that the lift is not in the best interest of spending that money for that purpose, and we do need three new plows. Time is of the essence. As you notice it's getting a little cooler out so they want to get them ordered and that's what that's for. Any questions? I'll entertain a motion to adopt the first reading.

Mr. Foltz moved and Mr. DeOrio seconded to adopt the first reading of Ordinance No. 85-11. All members present voting:  
 Yes: Peters, Snyder, Cerreta, DeOrio, Foltz, Kiesling.  
 No: 0

Mr. Snyder: May I have a motion and a second to suspend the rules of Council for Ordinance No. 85-11.

Mrs. Kiesling moved and Mr. DeOrio seconded to suspend the rules of Council for Ordinance No. 85-11. All members present voting:  
 Yes: Snyder, Cerreta, DeOrio, Foltz, Kiesling, Peters.  
 No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 85-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to adopt under suspension of the rules Ordinance No. 85-11. All members present voting:  
 Yes: Cerreta, DeOrio, Foltz, Kiesling, Peters, Snyder.  
 No: 0

- 17. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 86-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 86-11. All members present voting:  
 Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta,  
 No: 0

**Ordinance No. 86-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance amending Appendix "A" of Ordinance No. 12-11, Appropriation Ordinance of the City of North Canton, to include the purchase of one (1) new Ford vehicle for use by the City of North Canton Administration.

Mr. Snyder: This is taking \$20,000 to the companion of the last piece which came from the original \$45, to buy a new car for the use of Administration to at least give the appearance that we are healthy and wealthy when we drive people around, as well as give the Administrator the ability to go to meetings and other members of the Administration to go to meetings or show for prospective businesses in the city. Any questions of Council? May I have a motion to adopt that first reading.

Mrs. Kiesling moved and Mr. Cerreta seconded to adopt the first reading of Ordinance No. 86-11. All members present voting:  
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, DeOrio.  
 No: 0

Mr. Snyder: Director Grimes, do you just want to let that pass through with the normal three readings in six weeks, is that comfortable?

Mr. Grimes: Yes.

Held Monday, September 12 7:00 p.m. 20 11

## REPORTS:

Mr. Snyder: Okay. I would like to mention before we get reports the City of North Canton has received the Auditor of State Award with Distinction. This award is given to entities that file an annual CAFR and timely financial report in accordance with all GAAP, which is generally accepted accounting practices as well as receive a clean bill of health and a clean audit, and I want to thank Director Alger that we did receive a clean audit and a clean report and our compliments of the Council to you and your staff for a job well done. Thank you. Reports, Director of Law?

Mr. Nilges: Yes, let me add to the compliments to Director Alger and her staff. About six months ago, eight months ago, who knows? I lose track of time. We started the Mayor's Court Program, reviving it, every once in awhile I give you reports on it. The most recent thing that we did and we did a press release on this for members of the press, where we have been very vigorously pursuing tax collections both through attorney Emley and also through Mayor's Court. Today we had a number of people; we ended up serving over 30 with summonses. We had probably 20 or so that were supposed to be here today. We did collect from the efforts just from the Mayor's Court, not from the civil matters that attorney Emily is doing, just from the Mayor's Court a total of \$7759.22. I would say that we are now in the Mayor's Court "set it and forget it" mode. The "wrongful appeal" mode, and I thank Assistant Director of Law Lou Guarneri for his substantial efforts today because he has built the framework and quite frankly right now we have Clerk of Council and Finance Director staff and also the Director of Permits & Inspections and his staff pretty much writing these and serving them, and its cost us a small fraction of what we recovered just from the Mayor's Court receipts so I am very happy and pleased to report that and that is in large part due to Director Alger and her staff so.

Mr. Snyder: Unlike a traffic moving violations and so forth, we'll keep that money, that doesn't go to the State?

Mr. Nilges: A majority of this money is from actual tax collection so people, we serve the criminal complaint and they come in and they pay their taxes oftentimes in full. We had one person pay almost \$2000 in one check. And we also on top of that will collect a fine if they plead. Most of them, we've had nobody please not guilty yet. And so depending on the circumstances the Magistrate may impose a fine and then always court costs so we've got potentially a fine, always court costs and 9 times out of 10, full payment of the amount of tax outstanding.

Mr. Snyder: Good job. Director Alger.

Mrs. Alger: I just piggyback on that. I did do a press release so this is not unfamiliar to all the people in the City of North Canton. It's also going to be on the utilities billing so people are aware of that and it's also on our website thanks to Administration. And also to the CAFR and the Distinguished Award; being brand new, I just wanted to extend that thank you to the Council and the Mayor and everyone in my staff for allowing us to have this Distinguished Award. That is very prestigious and we will continue that.

Mr. Snyder: Thank you.

Mayor Held: Very good.

Mr. Snyder: Director Grimes.

Mr. Grimes: First on the complaint we had about the noise. I apologize for not getting with you after Council meeting last time, but the noise complaint really has the Director of Administration in it and I offer that we will follow up in my office on that and take care of that for you so. And we'll contact the residents. On Glenwood, if you all notice there are some things on Glenwood. We will be bringing that to you here in the next couple of weeks. We're getting some prices on that, but if you get any complaints from the residents down there, we are working on it. If you need any props, I've got some water from down in there that's kind of brown and I've got some pipes that we've dug up to show, you know, how that is, but it's an issue that we are working on so that you know that it is down there.

Mr. Snyder: Do we intend to replace that yet this year?

Mr. Grimes: We're getting a quote and will be coming to ask you for that. And the Civic Center, same thing; if you still get some complaints or enquiries, make sure they come to our office because our office is now handling that. Right now we're seeing if we can do that from up here in Administration so if there is any snafu or bugs, we want to hear about them so we can take care of it. We're trying to get some of that stream lined a little better, computerized a little better so we can watch the flow. We know exactly, we know what we're giving out and who we owe and who we need to collect from so. And also been bothering the Finance Director too, didn't want to be left out, we will have some things we're going to bring to you here in the next couple of weeks about some City electric prices. We're trying to lock in a price for the City and we think we can save some money on

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 11

that. Actually we know we can save some money right off the bat and then whatever future prices go up, at least lock it in for twenty months. And the last thing is we would ask the citizens, you're going to start getting a lot of stuff in the mail about gas aggregation right now. We will be locking in our price really, really quick here and getting out that information so we would just ask that you hold on for a little bit till you get our price too before doing any switching, but we'll get all of that information out to you. But I'm pretty confident our price is going to be lower than it was last year.

Mr. Snyder: Thank you, Mr. Grimes. Mr. Mayer.

Mayor Held: Thank you. Yes. Just a few announcements. First off the Fairways; we had watershed concerns particularly with two of the homes over on Wilkshire, the Muellers and they're present here today and that's why I wanted to give this update. We're presently doing a survey of that area and also soil borings and that should be done in the next six weeks so sometime by November we should have the study complete, which will make recommendations as far as what the City can do to properly retain the water so that it's not flowing into the Mueller's home and also with the various homes that are below. So that'll be done sometime in November and what we had hoped that there was something we could have done in the short run to, my idea of the dam wasn't such a good idea, at least Mr. Benekos didn't think it was such a good idea and so that's why we didn't proceed with that cause we want to make sure that we're doing everything safe, and secondly we have a meeting scheduled in reference to flooding. Administrator Grimes and Engineer Benekos have set up a meeting with the Stark County Engineer this week and they'll be discussing also with MS Consultants who did the original study for the water storm drainage throughout the Zimber Ditch area and so we're going to be revisiting that once again so that we can see what can be done in the area of the Zimber Ditch. In addition to that, I spoke with Kirk Schuring our State Representative and he suggested that we, that he arrange a meeting with the City officials and also the representatives from the various political subdivisions; Jackson, Plain, Lake, City of Green, himself and the Muskingum County Watershed District because as you know, the Muskingum County Watershed District has obtained a fee increase in order to manage water in this area. We're paying for it as residents and of course we want to make sure that we're getting our share of the funds in order to manage the water. And so he is, State Representative Schuring is working on that meeting, which will also include the Army Corps of Engineers. And then we also had a September 11<sup>th</sup> ceremony here that Pastor Buchanan and his committee put together and we had our City Administrator and our department heads that did an excellent job putting that together for the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>. It was a very, very nice ceremony. We were able to recognize Todd Weaver who passed away. He was a resident who was in the Twin Towers when they fell and his parents were able to place the wreath at the ceremony. They are great people and they were very appreciative of the City and also the committee that put this together and so it was a very nice ceremony. And then lastly because it is, I know that a lot of our elected officials are out talking with residents because it's election time and remind the residents that we do have recycling bins that we will deliver to their home at no charge. And so any candidates also, anybody that's out in the City talking with neighbors, we will provide free recycling bins to those that don't have them and we do have a discount. They originally were about \$15 a bin and now we found a place that will, that we can buy them with our grant money for about \$7, so we're saving money on that. That's all. Thank you.

Mr. Snyder: Mr. Benekos.

Mr. Benekos: No Report.

Mr. Snyder: Madame Clerk.

Mrs. Kalpac: No report, thank you.

Mr. Snyder: Member Peters.

Mr. Peters: I just have one question for the Administration. Where are we at in compiling the estimates for the work to be done over at Dogwood and Witwer Park? Any idea when we may have something together? I know we've got some money on the table from the Lions Club and we're just waiting for something in writing.

Mr. Grimes: Yes. I remember you telling me about the money that we may have. We're trying to get something together. We haven't got anything yet that we can present to you.

Mr. Peters: Okay. Just a reminder. I thought we had some estimates already done. I just think we need to compile all those into one.

Mr. Grimes: Yea. We've been out. We've been taking pictures and looking at some stuff that we want to do and that so.

Mr. Peters: Okay. That's it.

Mr. Snyder: Member Cerreta.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 12 7:00 p.m. 20 11

Mr. Cerreta. No report.

Mr. Snyder: Member DeOrio.

Mr. DeOrio: Well, in regard to the Mayor's comments and some things that the Healy administration has been working on in regard to the flooding. The Mayor has been remiss in not announcing that he had a good idea with putting on our website a special link or you know, what do you call it? You can click on it anyhow, an issue with the flooding to kind of give you what's happening and I know that's constantly being added to. I think that's a great idea that you're doing. The stuff that you all have said tonight is probably not going to be in the three wonderful periodicals that are being published over here, but outside the confines of this room, all those people that were here, you need to know all this stuff so I appreciate that you ask your Administration to do that and to keep putting this kind of stuff out there so that everybody stays in the loop.

Mayor Held: Thank you for reminding me.

Mr. Grimes: We hope to do that a little quicker. We just got slowed down with the Civic Center, but we're also hoping to have a video on there so you can see what that camera looks like going through the sewer system. We've got one from Wilkshire that we'll be posting there.

Mr. DeOrio: Thank you.

Mayor Held: Thank you.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Foltz.

Mr. Foltz: No report.

FINALL CALL FOR NEW BUSINESS:

Mr. Snyder: I have nothing. Final call.

ADJOURN:

Mr. DeOrio: Move to adjourn.

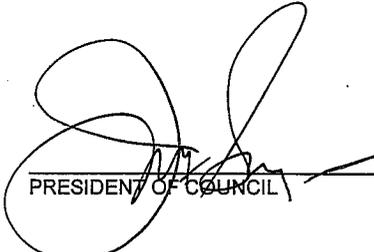
Mrs. Kiesling: Second.

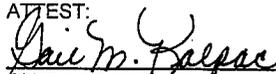
Mr. DeOrio moved and Mrs. Kiesling seconded to adjourn the council meeting. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, DeOrio, Foltz.

No: 0

The meeting was adjourned at 8:34 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:  
  
CLERK OF COUNCIL